

TEWKSBURY BOARD OF HEALTH

Minutes

March 20, 2014

Call of Meeting to Order

MOTION - Ms. Brothers made a motion to call the meeting to order at 7:05 PM. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

The meeting was held at the Tewksbury Senior Center. Present at the meeting were, Chairman Phillip French, Vice Chairman Charles Roux, Christine Kinnon, Kathleen Brothers, Raymond Barry, and Health Director Lou-Ann Clement.

Public Hearing Continued: Chapter 11 Tewksbury Board of Health Regulation for Tobacco Control – Restricting the Sale of Tobacco Products and Nicotine Delivery Products Located at Route 38 Smoke Shop 553 Main Street Tewksbury, MA, Owner: Sagish Patel

MOTION - Ms. Kinnon made a motion to re-open the public hearing. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Ms. Clement explained the history of this case the first offense occurred on March 21, 2013, a sale to a minor was made during a compliance check and this store promptly paid the \$100 fine. Another compliance check was done on June 28, 2013 and a second sale to a minor was made. The \$200 fine was paid. The regulations state the second violation requires a public hearing before the Board for a seven day suspension. Ms. Clement stated in a good faith effort Ms. Clement, Mr. Bipin Patel, Mr. Sagish Patel the owner of the store, and Mr. Beauregard of Health Communities Tobacco Control Program met. In lieu of the suspension, there was an agreement made to institute the “Fenway Park system” to ask for everyone ID for six months. This program started in July and ended on January 14, 2014. However, Ms. Clement stated that one compliance check was performed with an adult woman during this period. The woman was given \$20 and went into Rt. 38 Smoke Shop and purchased a pack of Marlboro cigarettes. Her ID was not requested. This was against our agreement and that is why we are here today to revisit the second offense on June 28, 2013.

Mr. French recommended that the store be allowed to continue to operate with the “ID all” policy to remain in place. If another sale takes place a public hearing will be required. If an additional sale takes place it would be a 7 day suspension.

Ms. Clement also explained that should a third offense take place, the regulation calls for a 30 day suspension.

MOTION - Ms. Brothers made a motion to extend ID all until a compliance check takes place with the understanding that if this store passes the next compliance check then the ID all will stop. If this store fails a four day suspension would be implemented. This suspension would take place starting on a Wednesday, continuously through Saturday of the same week. Mr. Barry seconded the motion and voted 5-0.

Mr. Patel acknowledged that he understood the penalty for both this offense and third offense take place.

MOTION - Ms. Brothers made a motion to continue the hearing until a compliance check was completed. Ms. Kinnon seconded the motion and voted 5-0.

Ms. Clement and or Mr. Beauregard are to report back to the Board after compliance check.

Mr. Patel Exited the meeting at 7:35PM

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Municipal Tobacco Control Technical Assistance Program

Raising the Sale of Tobacco Age Limits

Mr. Beauregard updated the Board on various topics including the Municipal Tobacco Control Technical Assistance Program's regarding local Policies on increasing the minimum age RE Tobacco and Local Summary on Tobacco Sales Bans in Pharmacies

The following was read into the record "The most compelling case for Tobacco 21 laws comes not from experience, however, but from the epidemiology and science of smoking addiction. Eighty percent of adult smokers began smoking daily before 20 years of age,³ and 90% of persons who purchase cigarettes for distribution to minors are under 21.⁴ Increasing the minimum tobacco-sales age to 21 could virtually eliminate minors' ability to buy from other local high school students, substantially raising barriers to access." This information came from an article in the January 23rd 2014 New England Journal of Medicine written by Jonathan p. Winickoff, M.D., M.P.H., Mark Gottlieb, J.D., and Michelle M. Mello, J.D., Ph.D the Tobacco 21 – An Idea Whose Time Has Come. The City of Lowell is now banning electronic cigarettes, which Tewksbury regulation already provides this ban. Ms. Kinnon would like to make sure that the Police School Resource Officer, Police Safety Officer and SADD is aware of this regulation. Ms. Kinnon questioned if the Tewksbury School District provide information in the Health Education Classes?

Tobacco retailers Mandatory Training results

Ms. Clement update the board with results regarding the attendance for Tewksbury Retailer Training held on January 28, 2014 and February 25, 2014. Eight permitted tobacco retailers did not have anyone in attendance for either of these trainings. The stores were 7 Eleven Shawsheen St, AL Prime (M&S Auto), Crystal News, JC Spirits, Mobil 2 Main St, Petroil 365 Main, Stadium Liquor Mart, and Walmart. .

Approval of Minutes

January 16, 2014

Mr. Barry stated that he noted correction, on page 3, 3rd paragraph from the bottom replace sentence with, "Ms. Clement clarified with Mr. Patel when the suspension will be effective. Mr. Patel replied that it will be January 26, 27, and 28th." Page 4 third paragraph under Old Business replace "will" with where, and page 5 second paragraph under Synthetic Drugs replace "this is" with these are.

February 20, 2014 .

Ms. Kinnon made a motion to approve the Board of Health minutes of January 16, 2014 with the correction noted and February 20th, 2014 minutes as submitted. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Proposed Zoning Amendments for Special Requirements for Registered Marijuana Dispensaries

Ms. Clement updated the Board on the status of this article for Town Meeting. Discussion took place on the proposed location in the proposal and the possibility of the Board also implementing Board of Health Regulations for Dispensaries. The Board agreed that Ms. Clement should look into this possibility.

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MOTION - Ms. Kinnon made a motion for the Board to support this article at the upcoming Town Meeting pending Town Council review. Motion was seconded by Ms. Brothers and unanimously voted 5-0.

Proposed Tewksbury Board of Health Regulations Chapter 9 Grease Tank and Grease Trap Requirements for Food Establishments

Ms. Clement updated the Board on the minors changes requested from the last discussion.

MOTION - Ms. Brothers made a motion to adopt proposed regulations with a minor amendment. The motion was seconded by Ms. Kinnon and unanimously voted 5-0.

Ms. Kinnon would like to see education and training regarding the new regulations. Ms. Clement will draft a letter informing the food establishments of this regulation change.

Ms. Kinnon questioned if the establishments with the big dipper, and other related variances will have to comply with the new regulations. Ms. Clement stated that there are no provisions for grandfathering within the regulations.

Board Members Reports – None

Other Business

Domesticated Teacup Pig

Ms. Clement explained that she has been approached by Liane Donaher, owner of 60 County Club Road, Tewksbury. She is requesting to obtain a “Domesticated Tea Cup pig” for her children.

MOTION - Ms. Brothers made a motion to allow one domesticated teacup pig at this location with the following restrictions: only one Teacup pig, any additional pigs will require a permit from the Board, This office shall be notified to any relocation, random inspections to confirm number of pigs on site, and any further locations within the Town shall have the same requirements as listed. Motion was seconded by Mr. Barry and unanimously voted 5-0.

Announcements

Tewksbury’s “Health and Wellness Fair for the Whole Family” is scheduled for April 9, 2014 2:00 to 6:00 PM at the Senior Center 175 Chandler Street Tewksbury MA: Sponsored by the Board of Health and Council on Aging

Adjourn

MOTION - Mr. Roux made a motion to close and adjourn the meeting. The motion was seconded by Mr. Barry and unanimously voted 5-0.

Meeting adjourned at 8:36 PM

Approved On: August 20, 2015

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List of documents for 3/20/14 Agenda

Documents are located in the Board of Health's Office

Public Hearings Continued:

Exhibit # 1 Letter from Health Communities to Route 38 Smoke Shop dated March 6, 2014

Approval of Minutes of:

Exhibit # 2 January 16, 2014

Exhibit # 3 February 20, 2014

New Business:

Exhibit #5 Municipal Tobacco Control Technical Assistance Program update on age requirements

Exhibit #6 Email package dated March 1, 2014 from Lester J Hartman MD

Old Business:

Exhibit # 4 Proposed zoning amendments for Special Requirements for Registered Marijuana Dispensaries

Exhibit # -8 Tobacco Retailers Mandatory Training results from January 28th, 2014.

Exhibit # 7 Proposed Tewksbury Board of Health Regulations Chapter 9: Grease Tank and Grease Trap Requirements for Food Establishments